

JAN 22 2021

A BILL FOR AN ACT

RELATING TO LIABILITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that roads for which
2 ownership or jurisdiction is in dispute between the State and a
3 county, commonly referred to as "roads in limbo", often suffer
4 from a lack of repair and maintenance. The legislature further
5 finds that government agencies are unwilling to maintain these
6 roads because of potential liability issues associated with
7 repair and maintenance.

8 The purpose of this Act is to provide immunity to the State
9 and counties for injuries sustained due to the repair or
10 maintenance of streets undertaken by the State or a county, in
11 cases in which the ownership or jurisdiction of such streets is
12 in dispute between the State and a county.

13 SECTION 2. Chapter 663, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§663- Liability of State or county for repair or
17 maintenance of certain roads; immunity. The State or a county



S.B. NO. 649

1 that repairs or maintains a street, as defined in section
2 291C-1, of which the ownership or jurisdiction is in dispute
3 between the State and the county, shall be immune from liability
4 for personal injuries or property damage, or both, arising out
5 of the repair or maintenance of that street as undertaken by the
6 State or the county, as applicable.

7 For purposes of this section, repair or maintenance of a
8 street shall not be deemed to confer ownership or jurisdiction
9 over such street if the ownership or jurisdiction over the
10 street is in dispute between the State and the county."

11 SECTION 3. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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S.B. NO. 649

Report Title:

Roads in Limbo; Liability for Repair or Maintenance

Description:

Provides that the State or a county that repairs or maintains a street of which the ownership or jurisdiction is in dispute between the State and the county shall be immune from liability for personal injuries or property damage arising out of the repair or maintenance of that street. Deems that maintenance of a street shall not confer ownership or jurisdiction over such street if the ownership or jurisdiction over the street is in dispute between the State and the county.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

